

IN DISTRICT COURT

_____ JUDICIAL DISTRICT

BRIEF IN SUPPORT OF MOTION

[Briefly explain why you are bringing the motion. This is generally a short paragraph.]

Motion Brief/Apr 2017

STATEMENT OF FACTS

[List the facts that caused you to decide to file a motion in the civil action. List only the facts that are relevant to the motion.]

LAW AND ARGUMENT

[Explain how each law, case law, or court rule you have identified supports your motion. Apply each law, case law, or court rule you have identified to the facts you listed in the Statement of Facts. If you identified laws, case laws, or court rules that do not support your motion, explain why the court rule, law or case law does not apply to your motion.]

CONCLUSION

[Summarize what you are asking the court to do and why the court should grant your motion. This is generally a short paragraph.]

Dated this _____ day of _____, 20____.

Signature

Printed Name

Address

City, State, Zip Code

Telephone Number

Email Address

INSTRUCTIONS FOR BRIEF IN SUPPORT OF MOTION FORM

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Do not include these instruction sheets when you serve or file your completed brief in support of your motion.

The “Motion” Section of the [GUIDE TO A CIVIL ACTION](#) on the ND Legal Self Help Center website has additional information and resources.

A Brief in support of motion is a required written explanation of why you, the moving party, should have your motion granted. A Brief takes the rules and laws that support your request and explains how they apply to the facts of your particular situation. Facts referred to in the Brief should also appear in your affidavit in support of the motion.

Research North Dakota court laws and rules. A motion must include the legal authority that supports the motion request. Any motions to the court must refer to the laws, North Dakota Supreme Court case law, and court rules, or a combination of all three, upon which the motion is filed. The Brief in support of the motion explains how and why the law, case law, or court rule supports the request.

- ☐ The North Dakota Century Code is found online at <http://www.legis.nd.gov/general-information/north-dakota-century-code>. The Century Code contains the laws enacted by the North Dakota Legislature.
- ☐ North Dakota Supreme Court case law is found online at <http://www.ndcourts.gov/Search/Opinions.asp>. When the decision of a case is appealed from a North Dakota District Court to the North Dakota Supreme Court, the Supreme Court writes their opinion to explain how and why they interpreted the laws or rules to decide the case the way they did. The opinions are case law and are followed by North Dakota courts deciding later cases with similar facts and issues.
- ☐ North Dakota court rules are found online at <http://www.ndcourts.gov/Rules/>. Court rules govern how a dispute makes its way to court and how the dispute is conducted.

(The North Dakota Century Code, and North Dakota Supreme Court case law, and North Dakota court rules are also found in print in many North Dakota public and academic libraries.)

This form is not a fillable form. To create your legal document using this form, you have at least two options:

Option One: Print this form on 8 ½" x 11" paper and hand-write your brief in support of motion. Your hand-writing must be easily readable. Black ink is preferred.

Option Two: Copy and paste the Brief in Support of Motion sections into a word processing program, for example, Microsoft Word, WordPerfect, Google Docs, or OpenOffice. Use this form and these instructions as your guide to format your legal document.

Caption (Top of Form):

- ☐ If you copied and pasted the Caption section into a word processing program, format your caption as close as you can to the Caption section of the form.
- ☐ Fill in the caption exactly as it appears in the summons for the civil action.
- ☐ Fill in the case number, if known. If the action has not been filed, the case number will be assigned by the clerk of court when the action is filed.
- ☐ Fill in the title of the type of motion you are making to the court.

Paragraph Numbering:

- ☐ Each paragraph of your written or typed brief in support of the motion must be numbered.

Introduction:

- ☐ Briefly explain why you are bringing the motion. This is generally a short paragraph.

Statement of Facts:

- ☐ List the facts that caused you to decide to file a motion in the civil action. List only the facts that are relevant to the motion.
- ☐ These facts must also be included in your Affidavit in Support of Motion. You will create a separate legal document as your Affidavit in Support of Motion.

Law and Argument:

- ☐ From your legal research, explain how each law, case law, or court rule you have identified supports your motion.
- ☐ Apply each law, case law, or court rule you have identified to the facts you listed in the Statement of Facts.
- ☐ If you identified laws, case laws, or court rules that do not support your motion, explain why the court rule, law or case law does not apply to your motion.

Conclusion:

- ☐ Summarize what you are asking the court to do and why the court should grant your motion. This is generally a short paragraph.

Date and Signature:

- ☐ The date and signature are at the end of your brief in support of motion.
- ☐ If you copied and pasted the Signature section into a word processing program, format your signature section as close as you can to the Signature section of the form.
- ☐ If the party making the motion is self-represented, the self-represented party must date and sign the brief in support of motion.

If the party making the motion is represented by a lawyer, the lawyer must date and sign the brief in support of motion.

WARNING: By signing your name you are telling the Court that you are telling the truth and that you have a good faith reason for your requests. If you are not telling the truth, if you are misleading the Court, or if you are serving or filing this document for an improper purpose, the Court could find you in contempt or you may be prosecuted for perjury.

- ☐ Fill in the printed name, address and telephone number of the party (or lawyer) who signed the brief in support of motion.

If you have a physical address and a mailing address, type or write both addresses using the lines provided, and the space next to the address lines.

Lawyers must also include an email address and their State Board of Law Examiners identification number.

Page Numbering:

Each page of a document prepared for a civil action must be numbered.

- ☐ Number each page of the completed brief in support of the motion.
- ☐ The last page of the brief in support of motion is the date and signature page.

Service:

In general, copies of documents filed, or intended to be filed, with the court must be provided to the other parties in the civil action. This is called service.

There are specific requirements for serving documents after a civil action has started. [Rule 5](#) of the North Dakota Rules of Civil Procedure gives the requirements for service after a civil action has started.

Proof of service is an important step in the legal process. The court will not act on papers filed with the court until proof of service is filed.

For information about service and proof of service in a civil action, go to the [Service](#) link on the ND Legal Self Help Center website.

Do not include these instruction sheets when you serve or file your completed brief in support of your motion.

****The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota courts. The information provided by the Center is not intended for legal advice but only a general guide to the court process. The Center cannot guarantee that all judges and courts will accept forms available through the Self Help Center. The Center is not responsible for any consequences that may result from the information provided. The information cannot replace the advice of competent legal counsel licensed in the state. Use at your own risk.****